

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James M. Schreder
Serial No.: 10/729,774
For: INTERACTIVE INSTRUCTIONS IN SEQUENTIAL CONTROL
MODULES IN CONTROLLERS
Filed: December 8, 2003
Examiner: Norton, Jennifer L.
Art Unit: 2121
Confirmation No.: 3420
Customer No.: 27623 Attorney Docket No.: I20 05866US

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is submitting the present document concurrently with a notice of appeal for the above noted application. Applicant is requesting that the Office review the final rejection of the claims set forth in a final office action dated July 24, 2008. No amendments are being filed with this request.

Status of the Claims

Claims 2-5 and 7-15 are pending in the application. Claims 2-5 and 7-15 stand finally rejected under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,881,115 to Lipner et al., hereafter "Lipner", in view of U.S. Patent No. 5,631,825 to van Weele et al., hereafter "van Weele". Claims 2-5 and 7-15 stand further rejected as obvious over Lipner in view of van Weele or, in the alternative, under 35 U.S.C 103(a) as obvious over

Lipner in view of van Weele and in further in view of U.S. Patent No. 4,803,079 to Impink, Jr. et al., hereafter “Impink”. Claims 4, 11, 14 and 15 are independent. Claims 5 and 7-10 depend from independent claim 4. Claims 12 and 13 depend from independent claim 11. Claims 2 and 3 depend from independent claim 14.

Clear Errors in the Examiner’s rejections

Rejection of claims 2-5 and 7-15 under 35 U.S.C. 103(a) as obviousness by Lipner in view of van Weele

Lipner lacks elements/steps of independent claims 4, 11, 14 and 15. For example, independent claim 4 recites, inter alia, “said table view comprising: a plurality of outputs of a selected step of at least one of said sequential control modules, wherein said outputs comprise a combination of at least one automatic expression and at least one interactive instruction, a summary area that provides a name of said sequential control module and a list of steps in said sequential control module, wherein said selected step is selected from said list, a details area that provides a step name and a step description for said selected step, and a parameters area that provides a current value of at least one parameter associated with said selected step”.

Lipner lacks “wherein said outputs comprise a combination of at least one automatic expression and at least one interactive instruction”. The Examiner contends that Lipner discloses this recital, citing column 2, lines 27-35, and column 4, lines 19-22 and 55-63. The column 2, lines 27-35, citation and the column 4, lines 19-22, citation refer to the above noted “violated mode” that is entered if pertinent conditions of a current step of the “automatic mode” are not satisfied. However, Lipner does not disclose or describe that in the “violated” mode screen 47 will present to the user “a combination of at least one automatic expression and at least one interactive instruction” as claimed in independent claims 4, 11, 14 and 15. As noted above in the description of Lipner, it is clear from Fig. 10 and accompanying description (column 7, lines 19-38) that what Lipner does is set the run mode to “violated” and display the violated conditions on

screen 47 for the operator to intervene in the process. Once the operator has successfully intervened, the software component automatically advances to the next step without any operator interaction with screen 47. Accordingly, Lipner's use of "operator action" and "operator intervention" refers to the operator physically closing or turning on devices used in the process and not presenting to the operator "a combination of at least one automatic expression and at least one interactive instruction" as claimed in independent claims 4, 11, 14 and 15. Lipner's deficiency is not supplied by van Weele, which was cited for a different purpose. Therefore, the combination of Lipner and van Weele lacks the above noted recital of independent claim 4 and the corresponding recitals of independent claims 11, 14 and 15.

In paragraph 7 at page 4 of the Office Action, the Examiner reads the "summary area" on Lipner's area 49 and the "sequential control module" on Lipner's procedure A. However, Lipner's area 49 does not include a list of steps of procedure A as recited in independent claims 4, 11, 14 and 15. Lipner's area 49 lists the name (Procedure A) of the procedure, and the mode (Automatic or Manual), but does not list the steps of Procedure A. Accordingly, Lipner lacks the summary area recited in independent claims 4, 11, 14 and 15. Lipner's deficiency is not supplied by van Weele, which was cited for a different purpose.

Also in paragraph 7 at page 4, the Examiner contends that Lipner's controller 15 executes the interactive instruction partly in response to an operator input and the automatic expression automatically, citing column 2, lines 27-35, and column 4, lines 19-22 and 55-63. However, as noted above, Lipner lacks the combination of an interactive instruction and automatic expression being displayed in the table view. Lipner's deficiency is not supplied by van Weele, which was cited for a different purpose.

Independent claim 14 additionally recites: "determining whether a current one of said outputs is an interactive instruction or an automatic expression; if said current output is an interactive instruction, determining whether said interactive instruction has been confirmed by said operator; if said interactive instruction has been confirmed by said

operator, marking said current output complete; and if said current output is an automatic expression, using at least one controller in said control system to execute said automatic expression". Since Lipner uses separate run modes for automatic and manual, Lipner has no need to make a determination of "whether a current one of said outputs is an interactive instruction or an automatic expression. Lipner also lacks the remaining steps in the above quoted portion of independent claim 14 because these steps are conditional upon the determination made by the determining step, which Lipner lacks. Lipner's deficiency is not supplied by van Weele, which was cited for a different purpose.

The Examiner admits that Lipner does not disclose "wherein said selected step is selected from said list". The Examiner contends that van Weele teaches a selected step (column 7, lines 3-24) from the list (column 7, lines 41-50, i.e., Section). The Examiner concludes that it would have been obvious to modify Lipner to include a selected step is selected from the list to more efficiently control and supervise increasingly complex manufacturing processes by subdividing attributes (column 2, lines 1-4). To modify Lipner with the table views and operator stations of van Weele would radically change the operation and function of Lipner's table views and operator control of Lipner's process. See MPEP, 2143.01.

Rejection of claims 2-5 and 7-15 under 35 U.S.C 103(a) as obviousness by Lipner in view of van Weele or in the alternative by Lipner in view of van Weele and further in view of Impink.

As noted above in the discussion of claims 2-5 and 7-15 the combination of Lipner and van Weele lacks motivation and lacks a table view that comprises a plurality of outputs of a selected step, "wherein said outputs comprise a combination of at least one automatic expression and at least one interactive instruction". The Examiner admits the table view deficiency (paragraph 21) at page 16 of the Office Action. At page 16, the Examiner contends that Impink teaches a display of a combination of at least one automatic expression (column 13, lines 59-62 and column 14, lines 51-56 and 59-65) and at least one interactive instruction (column 14, lines 47-50 and 56-59). The Examiner

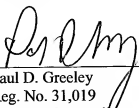
concludes that it would have been obvious to include in the combination of Lipner and van Weele a display of a combination of at least one automatic expression and at least one interactive instruction.

The Examiner's contention and conclusion are erroneous. Impink does not teach or disclose a table view that comprises a plurality of outputs of a selected step, "wherein said outputs comprise a combination of at least one automatic expression and at least one interactive instruction". The column 13, lines 59-62, citation states the user need not remember "whether a parameter or component should be checked; the system does it for him". The monitoring and storage of parameter and component status is not done by the independent function of procedure processing, but rather by the independent function of parallel information monitoring (column 6, lines 13-16). This status data of whether or not a parameter or a component has been checked is a result and not an automatic expression. Therefore, the column 13, lines 59-62, citation does not disclose or teach that Impink's table view contains an automatic expression.

The column 14, lines 47-50 and 56-59, citation also describes the chronological record generated by the logger. As noted above, Impink does not disclose or teach that this record is displayed in a table view with any of the procedural steps, but rather discloses that a permanent copy of the record can be generated by a printer. Therefore, the column 14 citation does not describe the display of any of the chronological record in a table view.

Respectfully Submitted,

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